

# **APPENDIX A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**TRILOGY ENTERPRISES, INC.,****Plaintiff,****v.****TRILOGY EDUCATION SERVICES,  
LLC,****Defendant.**

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**CIVIL ACTION NO.: 6:19-cv-199-ADA****JURY TRIAL DEMANDED**

**[PROPOSED] SECOND AMENDED SCHEDULING ORDER**

The Parties have met and conferred regarding the scheduling deadlines in this case and agree that deadlines relating to discovery and experts should be modified for efficient adjudication of this action in view of the ongoing public health crisis. The Court agrees and finds no prejudice will occur to either party or to the Court's trial date of this action. Accordingly, the Court **ORDERS** that the Scheduling Order (ECF No. 17) be amended consistent with the following schedule:

<b>Date</b>	<b>Event</b>
June 20, 2019	Initial Disclosures Due
June 20, 2019	Discovery commences on all issues.
August 1, 2019	Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge"
October 30, 2019	All motions to amend pleadings or to add parties shall be filed on or before this date.

Date	Event
October 30, 2019	The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
November 13, 2019	Each opposing party shall respond, in writing, to the written offer of settlement made by the parties asserting claims for relief by this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
June 17, 2020	Fact Discovery Deadline. Fact discovery must be completed by this date. Any fact discovery requests must be propounded so that the responses are due by this date.
July 15, 2020	Parties with burden of proof to designate Expert Witnesses and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).
August 14, 2020	Parties shall designate Rebuttal Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).
August 28, 2020	Expert Discovery Deadline. Expert discovery must be completed by this date.
N/A	Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.

Date	Event
September 4, 2020	All dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 25 pages. Responses shall be filed and served on all other parties not later than 21 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 14 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.
October 16, 2020	By this date the parties shall meet and confer to determine pre-trial deadlines, including, inter alia, exchange of exhibit lists, designations of and objections to deposition testimony, and exchange of demonstratives.
October 30, 2020	By this date the parties shall exchange a proposed jury charge and questions for the jury. By this date the parties will also exchange draft Motions in Limine to determine which may be agreed.
November 6, 2020	By this date the parties shall exchange any objections to the proposed jury charge, with supporting explanation and citation of controlling law. By this date the parties shall also submit to the Court their Motions in Limine.
November 13, 2020	By this date the parties will submit to the Court their Joint Pre-Trial Order, including the identification of issues to be tried, identification of witnesses, trial schedule provisions, and all other pertinent information. By this date the parties will also submit to the Court their oppositions to Motions in Limine.
November 20, 2020	Final Pre-Trial Conference. The parties shall provide to the Court an agreed jury charge with supported objections of each party, and proposed questions for the jury, at the final Pre-Trial Conference.
At the convenience of the Court on or after November 30, 2020	The Court will attempt to schedule Jury Selection on a day during the week of November 30, 2020. Otherwise, Jury Selection shall begin at 9:00 a.m. on November 30, 2020.
At the convenience of the Court, on November 30, 2020	Jury Trial Commences

SIGNED this 7th day of April, 2020.

ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

AGREED:

By: /s/ Michael Chibib  
MICHAEL CHIBIB

*Attorney for Plaintiff*

/s/ Brady Cox  
BRADY COX

*Attorney for Defendant*